

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DONNA C. SULLIVAN,

Plaintiff,

v.

CASE NO. 2:11-cv-02192-PWG

DOLLAR TREE STORES, INC.,

Defendant.

MEMORANDUM OPINION AND ORDER

The magistrate judge filed a report and recommendation on January 17, 2012 (doc. 22), recommending that defendant Dollar Tree Stores, Inc.'s motion to motion to dismiss (doc. 8) be DENIED; and that defendant's motion to dismiss or for partial summary judgment (doc. 7) is due to be GRANTED IN PART and DENIED IN PART, to the extent that plaintiff's discrete claims based on any denial of a promotion in 2007, 2008, or 2009 be DISMISSED WITH PREJUDICE. The parties were allowed an opportunity in which to file objections. No objections have been received from either party.

Having carefully reviewed and considered *de novo* all the materials in the court file, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Defendant's motion to motion to dismiss (doc. 8) is hereby DENIED; defendant's motion to dismiss or for partial summary judgment (doc. 7) is hereby GRANTED IN PART and DENIED IN PART, to the extent that plaintiff's discrete claims based on any denial of a promotion in 2007, 2008, or 2009 are DISMISSED WITH PREJUDICE. Plaintiff's

claims based on her 2010 denial of promotion, demotion, termination, and denial of workers compensation remain.

As to the foregoing it is SO ORDERED this the 7th day of February 2012.



INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE